

United States District Court
for
Middle District of Tennessee

Petition to Modify the Condition or Term of Supervision
(Probation Form 49 Waiver of Hearing on the Modification is attached)

Name of Offender: Roberto Manier Case Number: 3:06-00031-18

Name of Judicial Officer: Honorable Todd J. Campbell, U.S. District Judge

Date of Original Sentence: December 9, 2007

Original Offense: 21 U.S.C. § 841(a)(1), Possession with Intent to Distribute Cocaine

Original Sentence: 77 months' custody; 3 years' supervised release

Type of Supervision: Supervised Release Date Supervision Commenced: January 13, 2012

Assistant U.S. Attorney: Lynne Ingram Defense Attorney: Dumaka Shabazz

PETITIONING THE COURT

- To modify the release conditions as follows:

The defendant shall participate in a mental health program at the direction of the U.S. Probation Office. The Defendant shall pay all or part of the cost for mental health treatment if the United States Probation Office determines the Defendant has the financial ability to do so or has appropriate insurance coverage to pay for such treatment.

THE COURT ORDERS:

No Action
 The extension of supervision as noted above.
 The modification(s) as noted above.
 Other

Considered this 23 day of August, 2012,
and made a part of the records in the above case.

I declare under penalty of perjury that
the foregoing is true and correct.
Respectfully submitted,



Amanda M. Russell
U.S. Probation Officer

Place Cookeville, Tennessee

Date August 21, 2012


Todd J. Campbell
U.S. District Judge

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1. The defendant shall not commit another federal, state, or local crime.

A petition for a warrant was submitted to the Court on June 21, 2012, reporting an arrest for Domestic Assault on June 18, 2012. Your Honor issued a sealed warrant on June 25, 2012. Mr. Manier was subsequently arrested on July 2, 2012, and appeared before the Honorable John Bryant on July 16, 2012, for his detention and probable cause hearing. The Court found probable cause was substantiated, but released Mr. Manier on the same conditions of his supervised release pending his revocation hearing, with the added condition that he was to have no contact, directly or indirectly, with the victim of the alleged Domestic Assault.

Mr. Manier appeared in the Wilson County General Sessions Court on August 1, 2012, on the Domestic Assault charge. The case was continued for six months, with the expectation of dismissal, provided that Mr. Manier stay away from the victim and pay court costs. His next scheduled court appearance in Wilson County is February 14, 2013.

Mr. Manier's revocation hearing was held before Your Honor on August 9, 2012. By agreed order, Mr. Manier's supervised release conditions were modified to add a period of home detention for three months, beginning immediately, and the Court scheduled a status conference for February 25, 2013.

Compliance with Supervision Conditions and Prior Interventions:

Roberto Manier began his term of supervised release on January 13, 2012, and is due to expire on January 12, 2015. He currently resides with his mother in Lebanon, Tennessee. Mr. Manier was employed by Famous Footwear in Lebanon, through All Star Personnel, from May 5, 2012, to May 22, 2012. His employment was terminated due to his slow production/performance. Mr. Manier is presently seeking full-time employment at the direction of the probation officer.

The probation officer met with Mr. Manier on August 9, 2012, following his revocation hearing. His electronic reporting device was installed and the rules of electronic monitoring were explained, signed, and he was provided a copy. On August 12 and August 13, 2012, Mr. Manier violated the conditions of electronic monitoring by unplugging his monitoring device when he left his residence for an approved activity. Upon his return, he plugged the monitoring device back in. After questioning by the probation officer, Mr. Manier reported he did not know that he was not supposed to unplug the monitoring device. Mr. Manier was verbally reprimanded and re-instructed as to all conditions of his electronic monitoring, specifically to not move, disconnect, or tamper with the monitoring device.

On August 14, 2012, Mr. Manier requested mental health treatment and noted he cannot pay for these services on his own, due to lack of employment. He reported many stressors in his life including: no job, no money, his mother's illness and caring for her, not being able to see his child in Kentucky, no transportation, the pending domestic charge, his pending revocation hearing, and now the electronic monitoring device. The probation officer spoke with Mr. Manier in length about possible relapse and he reported no desire to use illegal drugs or drink alcohol. Mr. Manier reported he does not need "crazy" pills, but wants to participate in a mental health assessment and/or treatment to help him deal with his issues. Mr. Manier has previously participated in a substance abuse assessment at Cumberland Mental Health in Lebanon, with no recommended treatment. He continues to participate in random drug testing.

On August 17, 2012, a waiver of hearing form to modify the conditions of his supervised release was thoroughly explained to Mr. Manier and he stated he understood his rights to representation by counsel and to a hearing. Mr. Manier voluntarily signed the waiver to modify the conditions of his supervised release.

U.S. Probation Officer Recommendation:

It is recommended that Mr. Manier's special conditions be modified as indicated in the petition so that his need for mental health treatment can be assessed and necessary treatment be provided. The U.S. Attorney's Office has been advised of the offender's noncompliance and the probation officer's recommendation for modification of the release conditions.

Approved: 

Britton Shelton
Supervisory U.S. Probation Officer

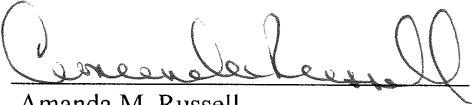
Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

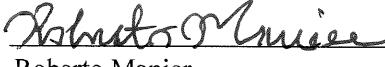
UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall participate in a mental health program as directed by the United States Probation Office. The defendant shall pay all or part of the cost for mental health treatment if the United States Probation Office determines the defendant has the financial ability to do so or has appropriate insurance coverage to pay for such treatment.

Witness: 
Amanda M. Russell
U.S. Probation Officer

Signed: 
Roberto Manier
Probationer or Supervised Releasee

August 17, 2012

Date